THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 14216 of 2002

Between:

Gummadi Sudhakar, s/o. Neeladri Naidu

…Petitioner

and

1)The Chairman & Managing Director,
Andhra Bank, Head Office: Dr.Pattabhi
Bhavan, P.B. No.6, 5-9-11, Saifabad,
Hyderabad & 2 others

…Respondents

ORDER:

The Writ Petition is filed seeking a direction to respondents to regularize the service of the petitioner as permanent sub-staff in the respondents-bank in existing vacancies with all consequential benefits.

It is stated in the affidavit filed by the petitioner along with the present writ petition that he joined the respondents-bank as a temporary sub-staff on 31.08.1987 and has been discharging the duties to the utmost satisfaction of his superiors. It is further stated that

list of empanelment of temporary sub-staff dated 18.11.1996 in terms of settlement dated 09.01.1995 of Ongole zone was prepared by the respondents wherein name of petitioner was shown at serial no.53. Though the cases of number of juniors were considered, the case of petitioner has not been considered. There are more than 50 vacancies of regular sub-staff in the region and the respondents are taking steps to fill up the vacancies with the juniors ignoring the petitioner's case. Hence, he approached this Court by way of filing the present Writ Petition.

Heard the learned counsel for both the parties and perused the material available on record.

Learned counsel for the respondents submitted that a scheme has been formulated by virtue of memorandum of settlement dated 09.01.1995 arrived at under Section 12(3) of the Industrial Disputes Act, 1947 between the respondents-Bank and the employees' union of the respondents-Bank regarding the empanelment and absorption of temporary candidates in sub-ordinate cadre. He contended that the name of the petitioner would be considered at the appropriate time after considering the names of the persons who are seniors to him.

One of the terms of the settlement dated 09.01.1995 reads as under:

> "The bank will engage the services of the empanelled candidates under this settlement along with already existing panel candidates, if any, in leave vacancies in their respective district by rotation for a maximum period of 30 days at a stretch till such time, the scope for their absorption arises."

Though the grievance of the petitioner is that he is not given regular employment, he did not bring to the notice of his Court any violation, on the part of the respondents-bank, of any of the terms of the said settlement dated 09.01.1995.

In the light of the facts and circumstances of the case, the only direction that could be given to the respondents-bank is that they shall consider the candidature of the petitioner at the appropriate time as per the terms of the said settlement and the existing Rules.

The Writ Petition is, accordingly, disposed of. No order as to costs.

19.07.2006

DRK